

8980. Adulteration of ground marjoram. U. S. * * * v. 1 Drum and 1 Drum of Ground Marjoram. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 10095, 10231. I. S. Nos. 7014-r, 7043-r. S. Nos. C-1172, C-1209.)

On April 23, 1919, and May 8, 1919, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1 drum and 1 drum of ground marjoram, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about February 19 and April 17, 1919, by Morris & Co., Oklahoma City, Okla., and transported from the State of Oklahoma into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, (drum) "Ground Marjoram" or "Pure Ground Marjoram," as the case might be.

Adulteration of the article was alleged in substance in the libels for the reason that excessive sand and clay had been mixed and packed with and substituted in part for the article.

On January 10, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8981. Misbranding of Milks Emulsion. U. S. * * * v. 48 Dozen Large and 6 Dozen Small Packages of Milks Emulsion. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11466. I. S. No. 7332-r. S. No. C-1524.)

On October 8, 1919, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 48 dozen large and 6 dozen small packages of Milks Emulsion, consigned by the Milks Emulsion Co., Terre Haute, Ind., August 6, 1919, remaining unsold in the original packages at Louisville, Ky., alleging that the article had been transported from the State of Indiana into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Milks Emulsion Nature's Remedy. A valuable remedy for Dyspepsia, Indigestion, Catarrh of the Stomach and Bowels, Habitual Constipation, Bronchial Asthma, Catarrhal Croup, Bronchitis and Colds. Especially beneficial in incipient consumption."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of petrolatum, with small quantities of sirup, glycerin, plant extractives, methyl salicylate, and lemon oil.

Misbranding of the article was alleged in substance in the libel for the reason that the packages, the labels upon the bottles, and the accompanying booklets bore and contained false and fraudulent statements regarding the curative and therapeutic effect of the article, in that they claimed that Milks Emulsion was a remedy for dyspepsia, indigestion, catarrh of the stomach and bowels, habitual constipation, bronchial asthma, catarrhal croup, bronchitis, and colds, and was especially beneficial in incipient consumption, whereas it contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the booklet aforesaid contained the statement, "Milks Emulsion contains a great amount of fat," which was false and misleading, since the article contained no fat.

On April 5, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*